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Attorney for Defendant
 WALTER ARAUJO-CAMPOS

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
 Plaintiff,

No. CR-10-401

**STIPULATION AND PROPOSED
 ORDER VACATING TRIAL DATE,
 REFERRING MATTER TO
 PROBATION, AND EXCLUDING
 TIME**

v.

Trial Date: April 18, 2011

WALTER ARAUJO CAMPOS,
 Defendant.

Before the Honorable Jeffrey S. White
 United States District Judge

1. The parties appeared through their counsel on February 24, 2011, in the above captioned matter, at which time trial was set for April 18, 2011, before this Court. Pre-trial conference was set for April 4, 2011, and pre-trial filings were made due March 21, 2011.

2. The parties have now reached an agreement in principle to resolve the case.

3. The parties therefore request that the Court vacate the April 18, 2011 trial date, the April 4, 2011 pretrial conference date, and the March 21, 2011 filing date.

1 4. The parties further request that the Court refer this matter to the United States
2 Probation Office for preparation of a modified pre-sentence report (for calculation of criminal
3 history only), to be completed by April 15, 2011; and set this matter on May 5, 2011 at 2:00 p.m.
4 for change of plea and sentencing after the preparation of the pre-sentence report.

5 5. The parties anticipate formalizing their agreement to resolve the case after
6 preparation of a modified pre-sentence report for the calculation of the defendant's criminal
7 history. Vacating the trial date and setting a single date for change of plea and sentencing is
8 intended to allow the parties time to review the pre-sentence report, prepare an appropriate
9 agreement for consideration by the Court, and prepare sentencing memoranda and otherwise
10 prepare for the sentencing hearing.

11 6. Once the parties have formalized their agreement, it is anticipated that the
12 defendant will agree that the Court may review the pre-plea sentence report even though he will
13 not yet have pleaded guilty. The parties further anticipate that once the pre-plea sentence report
14 is prepared and their plea agreement is finalized, both the pre-plea sentence report and the plea
15 agreement will be submitted to the Court for consideration of the proposed plea agreement.

16 7. Therefore, the parties further stipulate and request that the court exclude time
17 between February 24, 2011 and May 5, 2011, pursuant to the Speedy Trial Act for continuity of
18 counsel and pursuant to 18 U.S.C. sections 3161(h)(7)(A) and (B)(iv).

19 8. The parties also stipulate and request that the Court exclude time pursuant to the
20 Speedy Trial Act between the date when a proposed plea agreement is submitted and May 5,

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2011, for consideration by the Court of a proposed plea agreement to be entered into by the defendant and the attorney for the government.

IT IS SO STIPULATED.

DATED: March 8, 2011

MELINDA HAAG
United States Attorney

/s/
LOWELL POWELL
Assistant United States Attorney
Attorney for the United States

DATED: March 8, 2011

/s/
LYNN M. KESLAR
Attorney for Walter Araujo Campos

~~PROPOSED~~ ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled April 18, 2011 trial date is vacated. The pre-trial conference date of April 4, 2011 is vacated, as is the March 21, 2011 deadline for pre-trial filings.
2. This matter is and shall be referred to the United States Probation Office for preparation of a modified pre-sentence report for calculation of the defendant's criminal history only, to be completed by April 15, 2011.
3. This matter shall be calendared for change of plea and sentencing on May 5, 2011, at 2:00 p.m.
4. The time period from February 24, 2011 to May 5, 2011 is deemed excludable pursuant the Speedy Trial Act for continuity of counsel and pursuant to 18 U.S.C. sections 3161(h)(7)(A) and (B)(iv).

1 5. When the parties submit a proposed plea agreement to the Court, the time period
2 from the date when the agreement is submitted through May, 5, 2011, shall be deemed
3 excludable for consideration by the Court of the proposed plea agreement.

4 **IT IS SO ORDERED.**

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6 DATED: March 9, 2011


HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE